

**REMARKS**

A petition to extend the time for response by three (3) months is enclosed herewith.

Claims 14-28 were previously pending in the application. By the Amendment, Claim 22 is currently amended and Claims 14-21 and 23-28 remain unchanged.

The claims stand rejected under the cited prior art of record. Specifically, Claims 14-18, 23-24 and 26 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 4697608 to Kolze et al. (Kolze '608). Claims 19 and 21 were rejected under 35 USC §103(a) as being unpatentable over Kolze '608 in view of US Patent No. 3849031 to Charboneau et al. (Charboneau '031). Claims 20 and 25 were rejected under 35 USC §103(a) as being unpatentable over Kolze '608 in view Charboneau '031 and further in view of US Patent No. 3945399 to Tirelli (Tirelli '399). Claims 19 and 21 were rejected under 35 USC §103(a) as being unpatentable over Kolze '608 in view of US Patent No. 3849031 to Charboneau et al. (Charboneau '031). Claim 22 was rejected under 35 USC §103(a) as being unpatentable over Kolze '608 in view if US Patent No. 3899003 to Tirelli (Tirelli '003). Claims 27 and 28 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 4830602 to Kaselow (Kaselow '602) in view of Kolze '608.

Independent claim 14 of the present application recites a gas tap that includes a gas path and further includes an electromagnetic safety valve for closing the gas path. The safety valve includes an armature housing with a mobile magnetic anchor in the housing and a valve seat. The mobile magnetic anchor includes a valve closing element which presses on the valve seat to close the gas path and an electromagnetic coil for activating the mobile magnetic anchor and the

valve closing element to close the gas path when voltage is applied to the electromagnetic coil. Also, the electromagnetic coil is arranged as a separate component outside of the armature housing on a magnetic insert. Independent Claim 26 recites a magnetic insert with the foregoing features as applicable.

Kolze '608 discloses a water valve for a refrigerator valve including a valve assembly 10 having a plastic valve body 12 with an inlet 14 and an outlet fitting 16. An encapsulated electrical coil 18 is mounted on the body 12. The upper portion of an armature guide 58 has a hollow tubular configuration with an armature member 72 formed of ferro-magnetic material slidably received therein in closely fitting arrangement. A coil spring 74 is disposed within tubular portion 58 and biases the armature member 72 in a downward direction toward a valve seat 70.

It is submitted that the principal reference Kolze. '608 does not disclose a gas tap for a cooktop. Kolze '608 discloses a water valve for a refrigerator. Additionally, the water valve disclosed in Kolze '608 has a plastic housing and does not have a tap axle and a cook plug for regulating gas flow. Further, the magnet unit of the water valve disclosed in Kolze '608 is not part of a safety device. Thus, it is submitted that one of skill in the art considering a solution for improving the safe operation of a gas tap for a cooktop would not turn to Kolze '608.

It is also submitted that the prior art provides no hint or motivation to one of skill in the art to combine the references, let alone to selectively combine the references in the manner set forth in the Office Action. Applicants respectfully believe that any teaching, suggestion, or incentive possibly derived from the prior art of record is only present with hindsight judgment in view of the present application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. . . . The

references themselves must provide some teaching whereby the applicant's combination would have been obvious." In re Gorman, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added).

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614,1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." Id. (quoting W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

To establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicants. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998); In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125,1127 (Fed. Cir. 1984).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See In re Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary

skill in the art. See In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981) (and cases cited therein). Whether the examiner relies on an express or an implicit showing, the examiner must provide particular findings related thereto. See In re Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." Id. When an Examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record. See In re Lee, 277 F-3d 1338, 1342-45, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

In view of the different arrangements of the cited prior art, it can clearly be appreciated that none of these cited references provides any motivation to one of ordinary skill in the art to modify the any of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify one of these references, which Applicants submit there is not, it is clear that none of these references provides any guidance as to how such a modification could be effected.

For these and other reasons, Kolze '608 does not disclose the subject matter defined by independent Claims 14 and 26. Therefore, Claims 14 and 26 are allowable. Claims 15-18, 23 and 24 depend from Claim 14 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Kolze '608 and Charboneau '031, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 19 and 21. Therefore, Claims 19 and 21 are allowable. In addition, Claims 19 and 21 depend from Claim 14 and are allowable for the same reasons.

For these and other reasons, Kolze '608, Charboneau '031 and Tirelli '399, either alone or in any combination, do not teach or suggest the subject matter

defined by dependent Claims 20 and 25. Therefore, Claims 20 and 25 are allowable. In addition, Claims 20 and 25 depend from Claim 14 and are allowable for the same reasons.

For these and other reasons, Kolze '608 and Tirelli '003, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 22. Therefore, Claim 22 is allowable. Claim 22 also depends from Claim 14 and is allowable for the same reasons.

For these and other reasons, Kaselow '602 and Kolze '608, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 27 and 28. Therefore, Claims 27 and 28 are allowable. In addition Claims 27 and 28 depend from Claim 14 and are allowable for the same reasons.

### **CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 14-28 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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